

From: Jensen, Travis <tjensen@orrick.com>

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To: Trials <Trials@USPTO.GOV>

Cc: Lang, Jason <jlang@orrick.com>; ayap@mofo.com; Microchip-Aptiv-PTAB <Microchip-Aptiv-PTAB@mofo.com>; marjomand@mofo.com; tsaulsbury <tsaulsbury@mofo.com>; ewiener@mofo.com; aperito@mofo.com; Jones, Andrew T. <AndrewJones@mofo.com> Subject: Microchip v. Aptiv | IPR2024-00494, IPR2024-00558

Trials:

Petitioner requests authorization in the two above-identified IPRs to file a 5-page preliminary reply limited to one topic: addressing an unanticipated statement in the district court's Markman order. See EX1080, 16 ("[I]t is unclear to me if 'having' requires further construction. Thus, I will not construe the term unless or until the Parties re-raise this issue."). There is good cause for a preliminary reply as Petitioner could not reasonably anticipate when it filed the Petition that the district court would make such a statement after finding the claim not indefinite. Petitioner does not seek to submit any additional testimony or exhibits and represents that the preliminary reply would be substantively identical in each proceeding. In view of the institution decision deadlines

(Oct. 16 in IPR2024-00558 and Oct. 19 in IPR2024-00494), Petitioner is prepared to file the preliminary reply immediately upon authorization. Petitioner does not oppose Patent Owner filing a 5-page sur-reply (also containing no new exhibits or testimony) within one week.

Petitioner emailed Patent Owner last Wednesday morning (September 11) and requested Patent Owner's position by the end of the week. Patent Owner has not responded. Petitioner is available for a telephone conference at the Board's convenience if necessary.

Respectfully submitted, Travis

Travis M. Jensen Partner, IP Litigation

Orrick

Silicon Valley

T 650-614-7458 tjensen@orrick.com

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